

Notice of Allowability

Application No.

10/820,240

Examiner

Jessica L. Reidel

Applicant(s)

GREENBERG ET AL.

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment of 11/06/2006.
2. ☒ The allowed claim(s) is/are 10,15,36,41,42,44 and 45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 07/06/2006.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Acknowledgement is made of the papers filed October 16, 2006, however, they are not in compliance with 37 CFR 1.48(a). The inventorship of this application has not been changed. Specifically, an amendment of the inventorship requires: a statement from each person being added as an inventor *and* from each person *being deleted as an inventor* that the error in inventorship occurred without deceptive intention on his or her part [emphasis added].

EXAMINER'S AMENDMENT

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Tomas Lendvai on January 10, 2007.

The application has been amended as follows:

Please delete all of Claim 10 and replace with the following:

A retinal prosthesis comprising:

- an electrode array suitable to be mounted in close proximity to a retina;
- an electronics package;
- an electrical cable coupling said electrode array to said electronics package, said electrical cable suitable to pierce a pars plana region of a sclera;
- a secondary inductive coil, electrically coupled to said electronics package and suitable to be mounted to a side of the sclera;

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wherein said cable and said electrode array comprise metal traces sandwiched between thin polymer films; and
said cable is folded to present a same side of said cable to both said electronics package and the retina.

Please delete all of Claim 15 and replace with the following:

A retinal prosthesis comprising:

- an electrode array suitable to be mounted in close proximity to a retina;
- an electronics package;
- an electrical cable coupling said electrode array to said electronics package, said electrical cable suitable to pierce a pars plana region of a sclera;
- a secondary inductive coil, electrically coupled to said electronics package and suitable to be mounted to a side of the sclera;
- a strap connected to said secondary inductive coil and surrounding the sclera; and
- a fan tail, having a decreasing radius of curvature, connected to said electronics package and to said cable to facilitate passing said cable through the sclera.

Please delete all of Claim 36 and replace with the following:

A retinal prosthesis comprising:

- an electrode array suitable to be mounted in close proximity to a retina;
- an electronics package;
- an electrical cable coupling said electrode array to said electronics package;
- a secondary inductive coil, electrically coupled to said electronics package and suitable to be mounted to a side of a skull outside an orbit of an eye;
- a first passive coil suitable to be mounted within a body on a side of a skull; and
- a second passive coil electrically coupled to said first passive coil and suitable to be mounted within the body proximate to said secondary inductive coil.

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Please delete all of Claim 41 and replace with the following:

A retinal prosthesis comprising:

- an electrode array suitable to be mounted in close proximity to a retina;
- an electronics package;
- an electrical cable coupling said electrode array to said electronics package;
- a fan tail, having a decreasing radius, connected to said electronics package; and
- a secondary inductive coil, electrically coupled to said electronics package and suitable to be mounted to a side of a sclera.

Please delete all of Claim 44 and replace with the following:

A retinal prosthesis comprising:

- an electrode array suitable to be mounted in close proximity to a retina;
- an electronics package;
- a folded electrical cable coupling said electrode array to said electronics package;
- and a secondary inductive coil, electrically coupled to said electronics package and suitable to be mounted to a side of a sclera.

In Claim 45, line 2, immediately after "cable is folded to present", "the" was deleted and -- a -- was inserted.

Allowable Subject Matter

3. Claims 10, 15, 36, 41-42 and 44-45 are allowed.


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Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jessica L. Reidel whose telephone number is (571) 272-2129. The Examiner can normally be reached on Mon-Thurs 8:00-5:30, every other Fri 8:00-4:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jessica L. Reidel 01/10/07
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